



UNITED STATES PATENT AND TRADEMARK OFFICE

N.K.
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,001	02/26/2002	Jack S. Oh	DPL/19	4285

26875 7590 08/28/2003
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

[REDACTED] EXAMINER

HYLTON, ROBIN ANNETTE

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3727

DATE MAILED: 08/28/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	OH, JACK S.	
	Examiner	Art Unit
Robin A. Hylton	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6, 7, 9, 11, 18, 20, 21, 23 and 26-31 is/are rejected.
- 7) Claim(s) 5, 8, 10, 12-16, 17, 19, 22, 24 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____. |
|---|---|

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: the term --- groups -- should be inserted after "threading" in line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1,2,4,11,18,31,23,26, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn, Jr. et al. (US 4,193,509).

See figure 1 depicting the container thread between the closure thread **12** and the anti-backoff element **13**. An angular inclination of the anti-backoff member is different from an angular inclination of the thread can be seen in figure 2.

4. Claims 27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell et al. (US 6,123,212).

See figures 1 and 4 depicting the different angular inclinations.

5. Claims 1,3,27,29, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Narin (US 5,292,020).

See figure 2 depicting the container thread between the closure thread **34** and the anti-backoff element **44**. An angular inclination of the anti-backoff member is different from an angular inclination of the thread can be seen in figures 3-6.

Claim Rejections - 35 USC § 103

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narin. Narin teaches the claimed container except for the anti-backoff member being on the container. It would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 3727

made to provide the anti-backoff member on the container, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

7. Claims 6,7,9,20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of applicant's admission of known equivalents.

Dunn teaches the claimed closure except for the threading being segmented into a plurality of circumferentially spaced closure threading groups.

Applicant admits a single helical thread and a plurality of thread segments are known in the art for engaging closure threading to container threading.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a plurality of thread segments or groups in a group for the single thread of Dunn as an obvious choice of known equivalents.

Allowable Subject Matter

8. Claims 5,8,10,12-16,17,19,22,24, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. In view of the new grounds of rejection, this Office action is made non-final.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various container assemblies having anti-backoff features are cited for their disclosures.

11. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302 or (703) 872-9303 for after final amendments. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to

Art Unit: 3727

a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet.

Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

12. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-____ on the date shown below:

Typed or printed name of person signing this certificate

Signature_____

Date _____

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
August 23, 2003



Robin A. Hylton
Primary Examiner
GAU 3727